

# COMMONWEALTH OF AUSTRALIA

(*Patents Act 1990*)

IN THE MATTER OF: Australian  
Patent Application 696764  
(73941/94). In the name of:  
Human Genome Sciences Inc.  
- and -

IN THE MATTER OF: Opposition  
thereto by Ludwig Institute for  
Cancer Research, under Section  
59 of the Patents Act.

## STATUTORY DECLARATION

I, **Gary Baxter Cox** of Wray and Associates, 239 Adelaide Terrace, Perth WA 6101, Australia, declare as follows:

1. I am a Registered Patent Attorney, and a member of the firm Wray and Associates, Australian patent attorneys for Human Genome Sciences, Inc., the applicant in this matter.
- 2.1. Now produced and shown to me marked "GBC-1" is a copy of Grimmond *et al.*, 1996, *Genome Research* 6: 124-131.
- 2.2. Now produced and shown to me marked "GBC-2" is a copy of Townson *et al.*, 1996, *Biochemical and Biophysical Research Communications* 220: 922-928.
- 2.3. Now produced and shown to me marked "GBC-3" is a copy of Silins *et al.*, 1997, *Biochemical and Biophysical Research Communications* 230: 413-418.
- 2.4. Now produced and shown to me marked "GBC-4" is a copy of Bellomo *et al.*, 2000, *Circulation Research* 86: e29-e35.

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**WRAY & ASSOCIATES**  
Patent & Trade Mark Attorneys

6th Floor, GHD House  
239 Adelaide Terrace, Perth  
Western Australia 6000  
Australia

Tel: (618) 9325 6122  
Fax: (618) 9325 2883  
Email: [wray@wray.com.au](mailto:wray@wray.com.au)  
Our Ref: GBC:NJF 100868

- 2.5. Now produced and shown to me marked "GBC-5" is a copy of Stratagene Cloning Systems Catalogue 1994, page 45.
- 2.6. Now produced and shown to me marked "GBC-6" is a copy of Pharmacia LKB Biotechnology: Molecular and Cell Biology Catalogue 1992, page 5.
- 2.7. Now produced and shown to me marked "GBC-7" is a copy of Joukov *et al.*, 1996, EMBO Journal 15: 1751.
- 2.8. Now produced and shown to me marked "GBC-8" is a copy of Shibuya *et al.*, 1990, Oncogene 5: 519-524.
- 2.9. Now produced and shown to me marked "GBC-9" is a copy of Cockerill, Gamble, Vadas, 1994, "Angiogenesis: models and model vectors". In: International Reviews of Cytology. A Survey of Cell Biology 159: 113-160
- 2.10. Now produced and shown to me marked "GBC-10" is a copy of Litwin, Gamble, Vadas, 1995, "Role of growth factors in endothelial cell functions." In: Human Growth factors: Their role in Disease and Therapy, BB Aggarwal & RK Puri (Eds), Blackwell Science, Inc. USA Chapter 7 101-129.
- 2.11. Now produced and shown to me marked "GBC-11" is a copy of Gamble J.R. *et al.*, 1993, Journal of Cell Biology 121: 931-934.
- 2.12. Now produced and shown to me marked "GBC-12" is a copy of US Patent Number 6,130,071 filed 5 February 1997 by Helsinki University Licensing, Ltd.
- 2.13. Now produced and shown to me marked "GBC-13" is a copy of Goldspiel BR, *et al* (1993) *Clin. Pharm.* 12:488-505.
- 2.14. Now produced and shown to me marked "GBC-14" is a copy of Hyde SC *et al.* (1993) *Nature* 362:250-255.
- 2.15. Now produced and shown to me marked "GBC-15" is a copy of Kay M A *et al.* (1993) *Science* 262:117-119.
- 2.16. Now produced and shown to me marked "GBC-16" is a copy of Kolodka TM, *et al* (1993) *Somat. Cell Mol. Genet.* 19:491-497.
- 2.17. Now produced and shown to me marked "GBC-17" is a copy of Passaniti A, *et al.* (1992) *Lab. Invest.* 67:519-528.

- 2.18. Now produced and shown to me marked "GBC-18 is a copy of Splawinski J, et al (1988) *Methods Find Exp. Clin. Pharmacol.* 10:221-226.
- 2.19. Now produced and shown to me marked "GBC-19 is a copy of Stewart C, et al (1993) *J. Mol. Endocrinol.* 11:335-341.
- 2.20. Now produced and shown to me marked "GBC-20 is a copy of Walsh CE, et al (1993) *Proc. Soc. Exp. Biol. Med.* 204:289-300.
- 2.21. Now produced and shown to me marked "GBC-21 is a copy of Witte MH, Witte CL (1987) *Lymphology* 20:257-266.
- 2.22. Now produced and shown to me marked "GBC-22 is a copy of Yong LC, Jones BE (1991) *Exp. Pathol.* 42:11-25.
- 2.23. In this declaration I have only identified those publications that have not already been served by Ludwig Institute for Cancer research in these proceedings. Now produced and shown to me marked "GBC-23 is a Table identifying where all publications in Applicant's evidence in Answer may be found.

AND I make this solemn declaration by virtue of the Statutory Declarations Act, 1959 and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

DATED this day Thirteenth day of December 2000.

DECLARED at: Perth, Western Australia

BEFORE me: )

*Gary Cox*  
Gary Baxter Cox

*Gary Cox*  
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Patent Attorney

COMMONWEALTH OF AUSTRALIA

(*Patents Act 1990*)

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**Annexure GBC-1**

This is **Annexure GBC-1** referred to in my Statutory Declaration made this  
Thirteenth day of December 2000.

Gary Baxter Cox

**Gary Baxter Cox**

WITNESS: Pey tee khoo

Patent Attorney

PEY TEE KHOO